

**REMARKS**

Claims 32-62 are all the claims pending in the application. By this Amendment, Applicant amends claims 32, 34, 41, 46, 54, and 56 to further clarify the invention and claims 39, 43, 45, 48, 45, 52, and 61 for conformity therewith and to cure minor informalities. Claims 33, 35, 37, 40, 42, 47, 50, 53, 55, 57, 59, and 62 are cancelled without prejudice or disclaimer. Accordingly, claims 32, 34, 36, 38, 39, 41, 43-46, 48, 49, 51, 52, 54, 56, 58, 60, and 61 are all the claims pending in the application.

**I. Preliminary Matters**

As preliminary matters, Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and for indicating receipt of the certified copy of the priority document. Applicant also thanks the Examiner for returning the initialed forms PTO/SB/08 submitted with the Information Disclosure Statements filed on December 1, 2004, October 1, 2007 and February 20, 2008. Applicant also thanks the Examiner for indicating acceptance of the drawing figures filed on December 1, 2004.

**II. Statement of Substance of Interview**

Applicant thanks the Examiner for the courteous in person interview on February 7, 2008. An Examiner's Interview Summary Record (PTO-413) was mailed to the Applicant along with the Office Action. The PTO-413 requires the Applicant to file a Statement of Substance of the Interview. The Statement of Substance of the Interview is as follows:

During the interview, possible amendments to some of the claims were discussed that would place this application in condition for immediate allowance. The Examiner further

indicated that claim 35 is patentable over the prior art of record and is subject to further search and consideration.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

### III. Summary of the Office Action

Claims 39, 43, 50, 52, and 61 are objected to because of minor informalities. Claims 32, 33, 36, 38, 43, 44, 49, 51, 54, 55, 58, and 60 are rejected under 35 U.S.C. § 112, second paragraph. Claims 34, 35, 41, 44, 46, 47, 56, and 57 are rejected under 35 U.S.C. § 102(b) and claims 45 and 48 are rejected under 35 U.S.C. § 102(b), or in the alternative, under 35 U.S.C. § 103(a) over Moro. Claims 39, 40, 52, 61, and 62 are rejected under 35 U.S.C. § 103(a).

Claims 32, 33, 36-38, 42, 43, 49-51, 53, 55, and 58-60 contain allowable subject matter.

### IV. Claim Objections

Claims 39, 43, 50, 52, and 61 are objected to because of minor informalities. The Examiner objected to these claims because of minor informalities. Applicant has revised the claims, and respectfully submits that the claims as now presented no longer include the potential informalities mentioned by the Examiner. Applicant therefore respectfully requests the Examiner to withdraw the objections to these claims.

### V. Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 32, 33, 36, 38, 43, 44, 49, 51, 54, 55, 58, and 60 are rejected under 35 U.S.C. § 112, second paragraph. Applicant respectfully thanks the Examiner for pointing out, with particularity, the aspects of the claim thought to be indefinite. Applicant respectfully requests

the Examiner to withdraw this rejection in view of the self-explanatory claim amendments being made herein.

Applicant further respectfully notes that at least an exemplary, non-limiting embodiment discloses that it is possible to determine the metallic material that are hard to be carbonized by examining the Ellingham diagram (*see e.g.*, paragraph abridging pages 23-24 of the specification). Accordingly, one of ordinary skill in the art would readily appreciate which metallic materials are hard to carbonize.

#### VI. Prior Art Rejections

Claims 34, 35, 41, 44, 46, 47, 56, and 57 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,602,561 to Moro et al. (hereinafter “Moro”), claims 45 and 48 are rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) over Moro, and claims 39, 40, 52, 61 and 62 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moro in view of Japanese Patent Application Publication No. 06-182626 to Urashiro et al. (hereinafter “Urashiro”). Applicant respectfully traverses these grounds of rejections at least in view of the following exemplary comments.

Of these rejected claims, only claims 34, 41, 46, and 56 are independent. This response at least initially focuses on these independent claims.

Independent claim 34 recites *inter alia*: “wherein the electrode is made by mixing a powder of at least one of Co, Ni, and Fe to a powder of an alloy material that is alloyed by mixing a plurality of elements in a predetermined ratio.” As acknowledged by the Examiner with respect to claim 35, the prior art of record do not disclose or suggest mixing at least one of Co, Ni, and Fe with a powder of an alloy material that is alloyed by mixing a number of elements

in a predetermined ratio. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 34 and its dependent claim 39.

Independent claim 41 now includes the unique features of the allowable claim 42. Accordingly, Applicant respectfully requests the Examiner to now allow claim 41 and its dependent claims 44 and 45.

Independent claims 46 and 56 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 34. Therefore, arguments presented with respect to claim 34 are respectfully submitted to apply with equal force here. For at least substantially analogous exemplary reasons, therefore, independent claims 46 and 56 are patentable over the prior art of record. Claims 48 and 52 are patentable at least by virtue of their dependency on claim 46 and claim 61 is patentable at least by virtue of its dependency on claim 56.

#### VII. Allowable Subject Matter

Applicant thanks the Examiner for indicating that claim 42 contains allowable subject matter. Claim 42 has been rewritten into its independent form and is now claim 41. Accordingly, Applicant respectfully requests the Examiner to now allow claim 41.

Applicant further thanks the Examiner for indicating that claims 32 and 54 are allowable provided 35 U.S.C. § 112, second paragraph rejection is overcome. In view of the self-explanatory amendments to these claims, Applicant respectfully requests the Examiner to now allow these claims.

Applicant thanks the Examiner for indicating that claims 33, 36-38, 43, 49-51, 53, 55, and 58-60 contain allowable subject matter provided the § 112, second paragraph rejection is

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overcome. Applicant respectfully holds the rewriting of the allowable dependent claims 36, 38, 43, 49, 51, 58, and 60 in abeyance until arguments provided above with respect to the corresponding independent claims 34, 41, 46, and 56 have been reconsidered.

Applicant does not acquiesce to the Examiner's reasons for allowance.

VIII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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